

DEVIN DERHAM-BURK
CHAPTER 13 TRUSTEE
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SAN JOSE, CA 95150-0013

Telephone: (408)354-1345
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**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA**

In Re: NAPOLEON L CALIGUIRAN

CHAPTER 13
CASE NO: 05-55415ASW

**NOTICE OF DEFAULT IN CHAPTER 13
PLAN PAYMENTS AND DEMAND FOR CURE
WITH CERTIFICATE OF SERVICE**

Debtor(s)

TO THE DEBTOR(S): YOU ARE BEHIND ON YOUR CHAPTER 13 PAYMENTS AND YOUR CASE
WILL BE DISMISSED UNLESS YOUR DEFAULT IS CURED! YOU MUST TAKE
ACTION WITHIN 20 DAYS OF THE DATE LISTED BELOW!

YOU ARE HEREBY NOTIFIED that the Chapter 13 Trustee's records show that you have not made all
the payments required by your confirmed Chapter 13 Plan.

1. YOU ARE IN DEFAULT UNDER YOUR CHAPTER 13 PLAN. As of December 30, 2006 your payments to
the Chapter 13 Trustee should total: \$ 8,075.00 According to the Trustee's records you
have only paid approximately \$ 7,125.00 resulting in a \$ 950.00 default* through
December 30, 2006 . *The default amount does not include any payments which have been
suspended. Suspended payments may not bind creditors.

2. In order to continue to receive protection of the U.S. Bankruptcy Court you must complete
one of the following within (20) days:

a. Bring the case current by paying in certified funds to the Trustee the amount of:
\$ 950.00 ; OR

b. Meet and confer, by telephone, with the Trustee's representative AND enter into a
written stipulation (agreement) describing how you will cure the default in a manner which is
acceptable to the Trustee; OR

c. File and serve an Application to Modify Plan which shall propose terms under which
you will not be in default and which will provide for plan completion within 60 months of the
original date you filed your Chapter 13 petition. You must obtain an order approving the
modified plan forthwith.

3. Unless you pay the default amount, stipulate to cure the default, or appropriately modify
your plan as provided in paragraph 2 above, YOUR CASE SHALL BE IMMEDIATELY DISMISSED WITHOUT
ANY FURTHER NOTICE OR HEARING.

PLEASE CONTACT YOUR ATTORNEY IMMEDIATELY. YOUR ATTORNEY MAY BE ABLE TO ASSIST YOU WITH
THIS PROBLEM.

DATED: January 17, 2007

/S/ Devin Derham-Burk

#104353 CHAPTER 13 TRUSTEE

CERTIFICATE OF SERVICE BY MAIL
[B.R. 7005, F.R.C.P. 5]

Case Name: NAPOLEON L CALIGUIRAN

Case No.: 05-5-5415 ASW

I declare as follows: I am, and at all times mentioned was, a citizen of the United States and a resident of the State of California. I am employed in the County of Santa Clara, California. My business address is 983 University Avenue, Los Gatos, California, 95032.

I am over the age of 18 years and am not a party to the within entitled cause. I am familiar with the processing of correspondence for mailing with the United States Postal Service. Correspondence placed in the internal mail collection system at the Office of Devin Derham-Burk Chapter 13 Standing Trustee is deposited with the United States Postal Service that same day in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after the date of deposit for mailing in affidavit.

On January 17, 2007 , a true and accurate photo-copy of the following described document,

- NOTICE OF DEFAULT IN CHAPTER 13 PLAN PAYMENTS
- AND DEMAND FOR CURE

was placed for service, in the Trustee's internal mail collection system, in a sealed envelope to be delivered by mail with the United States Postal Service with postage prepaid, postage addressed as follows:

NAPOLEON L CALIGUIRAN

1245 LAKESIDE DR #1011
SUNNYVALE CA
94085

ROBERT E SAVAGE
433 AIRPORT BLVD #101
BURLINGAME CA
94010

In addition to the foregoing, if any of the following are checked, service at the addresses and/or fax numbers noted above was also completed by:

- ☐ Facsimile Transmission
- ☐ Federal Express
- ☐ Certified Mail
- ☐ Personal Hand Delivery
- ☐ Express Mailing

I declare under penalty of perjury under the laws of the United States of America and of the State of California that the foregoing is true and correct and that this declaration was executed on January 17, 2007 , at Los Gatos, California.

/S/ Janice Freer